

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SONNY DESPOSITO,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS, et al.,

Defendants.

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Civil Action No. 24-10574 (BRM) (JBC)

MEMORANDUM AND ORDER

THIS MATTER is opened to the Court by *pro se* Plaintiff Sonny Desposito (“Plaintiff”), upon the filing of a civil rights action pursuant to 42 U.S.C. § 1983 and an application to proceed *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915(a)(1). (ECF Nos. 1, 1-1, 1-2.)

On November 25, 2024, Plaintiff informed the Court that he was no longer incarcerated at FCI Fort Dix and updating his address. (ECF No. 3.) A prisoner seeking IFP status is required to submit a prisoner trust account statement to establish his financial eligibility, and, even if granted IFP, he is required to pay the filing fee in installments. 28 U.S.C. § 1915. Plaintiff has been released from custody and is no longer subject to those provisions. Additionally, the Court is unable to determine whether Plaintiff remains indigent or what sources of income Plaintiff has now that he has been released from prison. As a non-prisoner *pro se* litigant, Petitioner must complete the IFP form for non-prisoners, and if he is financially eligible for IFP status, he will not be required to pay the filing fee. Therefore, the Court will deny without prejudice his IFP application and direct the Clerk to send him the form for non-prisoners.

Accordingly, and for good cause appearing,

IT IS on this 5th day of February 2025;

ORDERED Plaintiff's request to proceed *in forma pauperis* (ECF No. 1-1) is **DENIED WITHOUT PREJUDICE**; and it is further

ORDERED the Clerk of the Court shall send Plaintiff a non-prisoner blank application to proceed *in forma pauperis* (AO 239 (Rev. 01/15)); and it is further

ORDERED if Plaintiff wishes to reopen this case, he shall so notify the Court, in writing addressed to the Clerk of the Court, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 0710, within thirty (30) days of the date of entry of this Order; Plaintiff's writing shall include either (1) a non-prisoner application to proceed *in forma pauperis* or (2) the \$405 fee including the \$350 filing fee plus the \$55 administrative fee; and it is further

ORDERED upon receipt of a writing from Plaintiff stating that he wishes to reopen this case, and either a non-prisoner IFP application or payment of the filing and administrative fees within the time allotted by this Court, the Clerk of the Court will be directed to reopen this case; and it is finally

ORDERED the Clerk of the Court shall serve a copy of this Order upon Plaintiff by regular U.S. mail.

/s/Brian R. Martinotti
HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE